

MOBILE ENGINEERING

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TO: FEDERAL COMMUNICATIONS COMMISSION
Att.: Office of the Secretary
Washington, D.C. 20554

FROM: JOHN BIPES, Owner/Engineer
MOBILE ENGINEERING

DATE: JUNE 15, '98

RE: FCC 98-92; Notice of Proposed Rulemaking,
Adopted May 14, '98, Released May 18, '98: Proposed
amendments to Parts 2, 25 and 68 to provide private
sector equipment approvals.

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Dear Friends,

We've worked closely with the FCC's Common Carrier Bureau and particularly with the technical requirements contained within Part 68, Subpart D since 1980. Since '84 we've been involved in CPE (customer premise equipment) Part 68 registration, predicated upon equipment design with understanding of Part 68 requirements in mind, and registration test. Concurrently and since 1986, we've been an active participant with TIA's (Telecom Industry Assn's.) TR41.9-Regulatory engineering committee.

FCC staff, in particular the recently retired Bill von Alven, together with TR41.9, has been the very best working combination of government and industry ensuring that CPE meet the consensually determined requirements for network connection. And this process has been straightforward, efficient, and an exemplar of minimal governmental involvement (with minimal \$ cost either to government or industry). It's forthright simplicity and administrative versatility has meant almost negligible delay of new technologies to telecom users.

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This process has and continues to effectively provide the very best of public/private sector working together in resolution of difficulties which might contribute to network or 3rd party harm; and to issues of overwhelming public interest such as improving accessibility of CPE to handicapped persons, making CPE better with respect to EMI/EMC (electromagnetic interference and compatibility) and reducing CPE environmental susceptibility. The amiable consensus operating between FCC's Part 68 operations and the widespread industry representation on TR41.9 has provided an enviable alloy of standardization with embrace and encouragement of futuristic innovation.

Regarding EU-MRA interests: FCC's Part 68 operations have been amongst the most globally accessible, economically equitable and geopolitically fair that the telecommunications industry *throughout the world* has been privileged to enjoy. FCC's own records show that foreign interests seeking approval of CPE for attachment in the USA have it as easy as any domestic manufacturer in gaining access to US markets, and foreign interests already obtain registrations through FCC in record numbers. Not the least; FCC's Part 68 operations and their periodic Part 68 Public Meetings have both mandated and consequently relied upon and given equal hearing to the '\$ largest' and '\$ smallest' of telecom designers, manufacturers, providers and test laboratories with enviable impartiality...a quintessential and unrelinquishable role of "government."

This governmental function, which '\$ smallest' and '\$ largest' are already funding through taxes in general...and could be funding to perhaps more than full adequacy through CPE registration fees presently being paid (if those fees could stay

within Part 68 operations)...can't and won't be handed off to TCBs ("Telecommunication Certification Bodies", NPRM Appendix A, p.21) without significant loss of impartiality, and considerably more cost and accreditation expense. TCBs and test labs will have to bear the added additional expense of NIST/NVCase and ISO/IEC accreditations which is not economically feasible by many '\$ smalls.' Presently, FCC's Part 68 operations have given 'listing' in Appendix N of the "Form 730 Application Guide" to any/all responsible test labs regardless of their \$ capability, and based only upon a proven test and reporting history and a straightforward filing of lab procedures with FCC's Part 68 operations.

Consequently, the "deregulatory" portion of this NPRM will accrue to the advantage of the '\$ largest' and the diminishment of the '\$ smallest' telecom entities. Such '\$ small' firms include my own (husband-wife) enterprise, and also those much larger firms...with dozens of employees...which are yet so small they aren't even visible as "small entities" via the lens apparent in NPRM Appendix B (C., para.3, p.30). None-the-less, these same '\$ small' entities have, till now, provided not only innovation and participation but industry leadership in concert with FCC's Part 68 operations, FCC Public Meetings, NAFTA related harmonizations of US/Canadian technical regulations via TIA's TR41.9 and biannual seminars.

Positively, we appreciate some aspects of the NPRM...desires to "simplify our equipment authorization processes;" and "provide for electronic filing of applications..." (NPRM para.5, p.3). FCC's Part 68 operations, TR41.9 and the "Admin./Adhoc" committee have been active on these fronts far in advance of the NPRM. Perhaps the NPRM

and subsequent rule-making can catalyze these efforts.

But insofar as the Commission proposes to abdicate their traditional role in CPE registration by "...deregulate(ing) the equipment authorization requirements...", many of the aforementioned attributes of the present excellent process will be lost. We believe that the deregulating portion of this NPRM proposes to do for CPE and telecommunications approvals under Part 68 what similar FCC deregulatory activities have done for other services. Though there have been some unarguable positives, many have been succeeded by degradation and types of economic anarchy. "Deregulation" of the Class D Citizen's Band Service effectively gave that chunk of HF spectrum over to its own destructive chaos. "Deregulation" of the Amateur Radio Service and delegation of FCC's licensing requirements to private entities of radio amateurs without FCC maintaining its own close supervision of licensing, or close auditing of private sector licensing, has revealed FCC's inadvertently becoming accessory to the 'dumbing-down' of the technical competence of the amateur fraternity and its being given over to the marketplace which has not acted in its best interests.

We do NOT wish to see replication of this phenomenon in FCC's Part 68 operations and telecom CPE certification.

FCC's representation of the federal government in coordination of the myriad of telecom interests liberates all of us from the tyranny of always and only satisfying the \$ 'bottom lines' of our own or our company's special interests. FCC has a fine tradition through its Part 68 operations of acting in the public interest, convenience and necessity

without economic or special interest prejudice. These responsibilities cannot be transferred for they are at the very heart of government and its purpose for existence.

Our recommendations to FCC are therefore:

- 1) Adopt those portions of the NPRM which desire to "simplify our equipment authorization processes;" and "provide for electronic filing of applications..." (NPRM para.5, p.3);
- 2) Reconsider the portions of the NPRM regarding "...deregulate(ing) the equipment authorization requirements..." in concert with the aforementioned concerns;
- 3) Retain FCC's *jurisdiction* over all of the Part 68, Subpart D technical requirements, their continuously evolving content and *compliance* with them...especially important since the recent completion of Canadian/U.S.A. harmonization of CS-03 and Part 68 and incorporation of their impact upon CPE;
- 4) Continue FCC's Part 68 operations (Bill Howden et al) and both *fund* and *encourage* its staff to continue consensus building and problem solving via active *representation and participation* within organizations such as the TIA, TR41 and TR41.9-Regulatory in particular.

John Bipes